

AKRON REGIONAL  
AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department  
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480  
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L. M. Malcolm, P.E.  
Administrator

November 13, 2008

1632010051  
Mr. Russ Sposit  
Marathon  
2155 Pearl Road  
Brunswick, OH 44212

Dear Mr. Sposit:

SUBJECT: NOTICE OF VIOLATION--FAILURE TO OBTAIN AN OHIO EPA PERMIT TO INSTALL/OPERATE (PTIO) AND TEST THE STAGE II VAPOR RECOVERY SYSTEM INSTALLED AT THE MARATHON GASOLINE DISPENSING FACILITY LOCATED AT 2155 PEARL ROAD IN BRUNSWICK.

On November 3, 2008, a representative of the Akron Regional Air Quality Management District (ARAQMD) this Agency stopped by the Marathon gasoline dispensing facility located at 2155 Pearl Road in Brunswick. At that time it was determined the facility does not have an Ohio EPA Permit to Install/Operate (PTIO) and the Stage II Vapor Recovery system installed has never been tested.

**This facility is in violation of OAC rule 3745-31-02(1)(b) which requires issuance of a Permit to Install/Operate before any air contaminant source can be operated.** Ohio Revised Code section 3704.05 prohibits any violation of the Ohio Environmental Protection Agency (Ohio EPA) regulations and provides for civil and criminal penalties for violations.

**This Facility is in violation of OAC rule 3745-21-09(DDD) which requires that gasoline dispensing facilities be equipped with Stage II vapor recovery unless they dispense less than 10,000 gallons of gasoline a month or qualify for an exemption as an Independent Small Business Marketeer who earns 50% or greater of their income from the sale of gasoline.** Facilities equipped with Stage II vapor control are subject to annual testing, record keeping, and inspections. Although you have installed Stage II Vapor Recovery at this location, it has never been tested. Upon inspection, this installation has several issues that need to be corrected before testing can be accomplished. Please consult your maintenance company as to the repairs needed.

CITICENTER - SUITE 904

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Enclosed is a Fact Sheet regarding EPA regulations that apply to gasoline dispensing facilities, the forms necessary to apply for an Ohio EPA PTIO, and a list of companies that provide Stage II testing and training.

**Within fifteen (15) days of receipt of this letter, you must submit an application for an Ohio EPA PTIO. You are also required to submit a plan for the correction of the installation and testing of Stage II vapor control.**

Acceptance of the information requested by this Agency does not constitute a waiver of this Agency's or the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties will be made at a later date.

Thank you for your cooperation and assistance in this matter. If you have any questions, please contact Susan Anderson at 330/375-2480 x6053.

Yours truly,



L. M. Malcolm, PE  
Administrator

SA:LMM  
Certified Mail  
Enclosures